

August 25, 2008

Jennifer LaBay
Environmental Scientist
California Regional Water Quality Control Board – Central Valley Region
11020 Sun Center Drive, #200
Rancho Cordova, California 95670-6114

Re: Michael Vander Dussen – Proposed Waste Discharge Requirements

Dear Ms. LaBay:

This office represents Double Diamond Dairy, owned and operated by Michael Vander Dussen. We are in receipt of Draft Waste Discharge Requirements for this facility which were prepared by Pamela Creedon of your office, and would like to take this opportunity to provide comments on the Draft WDR's. We have worked in conjunction with Mr. Pat Dunn of Dunn Environmental in reviewing the Draft WDR's for this project. Here are our proposed comments.

WDR REQUESTED MODIFICATIONS

Existing Text: Pg 12 and 13 of the draft WDR's contains the following interim ground water limitation that should be revised similar to the requirements in the General Order R5-2007-0035 (GO) for Milk Cow Dairies.

C. Interim Groundwater Limitations

2. These interim groundwater limitations are to be applied at the shallowest groundwater beneath the facility. These limitations are based on the concentration of the constituent in the monitoring well located at the upgradient edge of the facility, MW-1. Release of waste constituents from any treatment, storage, or disposal component associated with the facility shall not cause or contribute to groundwater:
 - a. Containing constituent concentrations in excess of the concentrations specified below or natural background quality (as determined at MW-1 and updated as appropriate as a result of ongoing monitoring):
 - i. Nitrate as nitrogen of 26 mg/L (natural background);
 - ii. Chloride of 250 mg/L (Title 22 CCR Secondary MCL);
 - iii. Total Dissolved Solids of 790 mg/L (natural background)
 - iv. Electrical Conductivity of 1209 umhos/cm (natural background);

- b. Containing taste or odor-producing constituents, toxic substances, or any other constituents, in concentrations that cause nuisance or adversely affect beneficial uses.
2. Final groundwater limitations will be developed based upon the results of the best practicable treatment or control (BPTC) evaluations and monitoring conducted as directed by section **F.1.d** of this Order and reported consistent with the Provisions below.

Suggested Modification to the WDR: Proposed Changes to Pg 12 and 13 of the WDR are in *italics*. The proposed language is taken from the GO Monitoring and Reporting Program (MRP), Section A-10, pg MRP-19. This information is also similar to the pg 13 of the Draft MRP for the Double Diamond Dairy.

C. Groundwater Protection Standards

1. *The Discharger shall submit to the Executive officer an evaluation of the groundwater monitoring data within six months of obtaining sufficient data to evaluate trends in the data (usually about 8 independent samples). The submittal shall include a description of the statistical methods used in evaluating the groundwater monitoring data. The evaluation must use methods approved by the Executive Officer.*

Ground water protection standards should be based on a determined statistical significant increase or indication of a new release compared to an historical statistical assessment of the groundwater database. The statistical assessment should be updated annually.

2. Final groundwater ~~limitations~~ protection standards and statistical methodologies will be developed based upon the results of the best practicable treatment or control (BPTC) evaluations and monitoring conducted as directed by ~~section F.1.d of this Order and reported consistent with the Provisions below~~ and similar to the trend evaluation noted above.

MRP REQUESTED MODIFICATIONS

Existing Text in the MRP: Pg. 6 of the draft MRP contains the following:

Groundwater Monitoring

The Discharger shall sample the 2 domestic and 29 agricultural supply wells and the six monitoring wells to characterize existing groundwater quality. Two of the six monitoring wells will be installed within six months of the date of this Order. This monitoring shall be conducted at the frequency and for the parameters specified in Table 4 below.

Suggested Modification to the MRP: Proposed Changes to Pg 6 of the MRP are in *italics*.

Groundwater Monitoring

The Discharger shall sample the 2 domestic and ~~29~~ 23 agricultural supply wells and the ~~six~~ *four* monitoring wells to characterize existing groundwater quality. ~~Two of the six monitoring wells will be installed within six months of the date of this Order.~~ This monitoring shall be conducted at the frequency and for the parameters specified in Table 4 below.

I would respectfully request that you make the changes outlined above to the Draft WDR's. Please contact me if you have any questions or concerns. Thank you for the opportunity to provide these comments and suggestions.

Very truly yours,

Law Office of Thomas H. Terpstra

Thomas H. Terpstra
Attorney-at-Law

THT:rr
Cc Michael Vander Dussen
Pat Dunn
Charlene Herbst